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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,059	04/09/2001	Eduardo T. Sanchez B.	32944-00048USPT	8341

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EXAMINER	
YAO, KWANG BIN	
ART UNIT	**PAPER NUMBER**
2667	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/829,059	SANCHEZ B. ET AL.	
	Examiner	Art Unit	
	Kwang B. Yao	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 April 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 14-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 14-18* is/are rejected.

7)☒ Claim(s) *13* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/9/01, 10/25/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg et al. (US 6,680,952) in view of Iwama et al. (US 6,600,735).

Berg et al. discloses a communication system comprising the following features: regarding claim 1, a system (Fig. 3, REF 300) adapted to manage a plurality of calls, including a first selected call, comprising: a first node (Figs. 1, 2, REF 120) including a memory (Fig. 2, REF 120, 206, 208) for receiving a message announcing a through-connection for the first selected call (column 13, lines 23-40); and a second node (Fig. 1, REF 110) for making the through connection for the first selected call in electronic communication with the first node (Figs. 1, 2, REF 120); regarding claim 2, wherein the first node (Figs. 1, 2, REF 120) is a media gateway controller (Figs. 1, 2, REF 120) and the second node (Fig. 1, REF 110) is a media

gateway (Fig. 1, REF 110); regarding claim 3, wherein the message announcing the through connection for the first selected call is a NOTIFY message (column 12, lines 5-18; column 13, lines 29-40); regarding claim 6, wherein the second node (Fig. 1, REF 110) is for sending a message announcing a single call outage for the first selected call to the first node (Figs. 1, 2, REF 120), and wherein the message announcing the single call outage for the first selected call is a NOTIFY message (column 12, lines 19-36); regarding claim 7, a method of using a first node (Figs. 1, 2, REF 120) including a memory (Fig. 2, REF 120, 206, 208) to manage a plurality of calls maintained by a second node (Fig. 1, REF 110), comprising the steps of: connecting a first call selected from the plurality of calls to provide a first call through-connection at the second node (Fig. 1, REF 110); receiving a message at the first node (Figs. 1, 2, REF 120) announcing the first call through connection at the second node (Fig. 1, REF 110), see column 12, lines 5-18; column 13, lines 29-40; regarding claim 11, wherein the at least one resource is a software program module resource (column 4, lines 30-31, lines 38-40); regarding 12, wherein the message announcing the single call outage is a NOTIFY message (column 12, lines 19-36); regarding claim 14, wherein the message announcing the restart operation is a SERVICE CHANGE message (column 12, lines 44-50; column 13, lines 18-22); regarding claim 15, wherein the restart operation is initiated due to detecting a fault within the second node (Fig. 1, REF 110) during a setup phase of an undetermined at least one of the plurality of calls (column 11, lines 23-31); regarding claim 16, wherein the first node (Figs. 1, 2, REF 120) is a media gateway controller (Figs. 1, 2, REF 120) and the second node (Fig. 1, REF 110) is a media gateway (Fig. 1 REF 110); regarding claim 17, wherein the message announcing the first call through-connection is a NOTIFY message (column 12, lines 5-18; column 13, lines 29-40).

Berg et al. does not disclose the following features: regarding claim 1, recording a record of the first selected call including an indication of the through-connection for the first selected call in the memory; regarding claim 4, wherein the indication of the through connection for the first selected call in the record of the first selected call is a set flag; regarding claim 5, wherein the second node includes a plurality of resources including at least one resource dedicated to the through-connection for the first selected call; regarding claim 7, and recording a first record of the first call including an indication of the first call through-connection at the second node in the memory of the first node; regarding claim 8, detecting a second call during a setup phase; and recording a second record of the second call in the memory of the first node without an indication of the second call through connection at the second node; regarding claim 9, searching the memory for the first record of the first call; regarding claim 10, wherein the second node includes a plurality of resources, and wherein at least one resource selected from the plurality of resources is dedicated to the first call, further including the steps of: receiving a message at the first node announcing a single call outage for the first call; and releasing the at least one resource; regarding claim 18, wherein the indication of the first call through-connection in the first record of the first call is a set flag.

Iwama et al. discloses an Internet telephone connection system comprising the following features: regarding claim 1, recording a record (Fig. 7, REF 1601) of the first selected call including an indication (Fig. 7, REF 1604, IN SERVICE) of the through-connection for the first selected call in the memory (Figs. 6, 7, REF 1503); regarding claim 4, wherein the indication of the through connection for the first selected call in the record of the first selected call is a set flag (Fig. 7, REF 1604, IN SERVICE); regarding claim 5, wherein the second node includes a

plurality of resources including at least one resource (bandwidth) dedicated to the through-connection for the first selected call (column 2, lines 30-46); regarding claim 7, and recording (Fig. 7, REF 1601) a first record of the first call including an indication of the first call through-connection at the second node in the memory of the first node (Fig. 7, REF 1604, IN SERVICE); regarding claim 8, detecting a second call during a setup phase; and recording a second record of the second call in the memory of the first node without an indication of the second call through connection at the second node (Fig. 7, REF 1604, OUT OF SERVICE); regarding claim 9, searching the memory for the first record of the first call (Fig. 19, and column 21, lines 1-10); regarding claim 10, wherein the second node includes a plurality of resources, and wherein at least one resource selected from the plurality of resources (bandwidth, resource reservation protocol) is dedicated to the first call, see column 2, lines 30-46, further including the steps of: receiving a message at the first node announcing a single call outage (no Bandwidth, column 21, lines 24-28; column 22, line 1-5) for the first call; and releasing the at least one resource (column 21, lines 24-28; column 22, line 1-5); regarding claim 18, wherein the indication of the first call through-connection in the first record of the first call is a set flag (Fig. 7, REF 1604, IN SERVICE). See also column 6-24, particularly on column 10, line 44 to column 12, line 11; column 23, line 26 to column 24, line 4.

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Berg et al., by using the features, as taught by Iwama et al., in order to provide an efficient data communication system by ensuring a fix-quality communication bandwidth matched with a traffic demand between gateway devices. See Iwama et al., column 3, lines 9-12.

Allowable Subject Matter

4. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Berg et al. and Iwama et al. disclose convention communication system. However, Berg et al. and Iwama et al. do disclose the following features: detecting a second call selected from the plurality of calls during a second setup phase; recording a second record in the memory of the second call without an indication of a second call through connection; receiving a message at the first node announcing a restart operation within the second node; examining the first record of the first call and the second record of the second call; determining that the second record of the second call does not include the indication of the second call through connection; and releasing the second call.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gentry et al. (US 6,799,210) discloses an architecture for a media gateway.

Brugaleta Salinas et al. (US 6,469,998) discloses a communication system.

Iwase et al. (US 6,226,263) discloses an ATM network.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 571-272-3182. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KWANG BIN YAO
PRIMARY EXAMINER

Kwang B. Yao
October 15, 2004